

STATEMENT OF ARGUMENTS

The following listing of clear errors is responsive to the Office Action mailed December 27, 2010, each of which errors independently should result in reversal and withdrawal of all of the rejections.

INDEPENDENT CLAIM 4 IS NOT OBVIOUS UNDER 35 U.S.C. §103(a) OVER KAWASAKI ET AL. (U.S. PAT. PUB. NO. 2003/0047785) IN VIEW OF GOODMAN (U.S. PAT. NO. 4,204,217) AND FURTHER IN VIEW OF YAN ET AL. (U.S. PAT. PUB. NO. 2004/0061114), VIJAYAKUMAR ET AL. (U.S. PAT. NO. 4,751,149) AND WAGER ET AL. (U.S. PAT. PUB. NO. 2003/0218222).

The cited prior art does not teach or suggest an active layer including intentionally added nitrogen and hydrogen dopants having concentrations so that a threshold voltage of a gate voltage of the semiconductor device is controlled to be substantially in a range between 0V and 3V.

In response to Applicant's argument (see Reply of November 11, 2010, p. 3) that nowhere in Vijayakumar is there a teaching that the value of the threshold voltage is being controlled by the hydrogen dopants, the Examiner stated that this argument attacks an individual reference, Vijayakumar, whereas the prior art rejections were based on a combination of references. Moreover, the Examiner stated that "Applicants do not specifically claim a correlation between concentrations of intentionally added dopants and a threshold voltage", see pp. 13-14 of the Final Office Action of December 27, 2010.

Even though, Vijayakumar is only one of a combination of prior art references used in rejecting claim 4, however, Vijayakumar was cited specifically for the teaching of an added hydrogen dopant, and neither Vijayakumar or any of the other references teaches the claimed limitation that the added hydrogen has a concentration chosen to control the threshold voltage. Moreover, unlike the Examiner's assertion, claim 4 does specifically recite a correlation between concentrations of intentionally added dopants and a threshold voltage, "said active layer includes said nitrogen and hydrogen as intentionally added dopants *having concentrations so that a threshold voltage* of a gate voltage of the semiconductor device, when a voltage between a drain and a source region is fixed at 10V, *is controlled to be substantially in a range between 0V and 3V*", emphasis added.

Moreover, the Examiner stated that "intention to 'control a threshold voltage' of a transistor by adding nitrogen and hydrogen is not a patentable subject matter", and that "it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant", see Advisory Action of April 28, 2011.

First, unlike the Examiner's assertion, claim 4 does not merely recite "an intention" to do something. Instead, the limitation "said active layer includes said nitrogen and hydrogen as intentionally added dopants having concentrations so that a threshold voltage of a gate voltage of the semiconductor device, when a voltage between a drain and a source region is fixed at 10V, is controlled to be substantially in a range between 0V and 3V" is a structural limitation drawn to a specific concentration of nitrogen and hydrogen. In other words, claim 4 does not merely recite a semiconductor device wherein the threshold voltage is intended to be controlled, but rather it specifically relates the concentration of nitrogen and hydrogen to this effect.

Second, none of the prior art references ties the concentration of the nitrogen and hydrogen to the threshold voltage. It is not enough that the prior art combination teaches hydrogen and nitrogen. What claim 4 requires is that said elements have concentrations such that a specific parameter, e.g., the threshold voltage, lies within a specific range.

In response to Applicant's argument (see Reply of November 11, 2010, p. 3) that Wager does not teach that the doping concentration of nitrogen is chosen to control the threshold voltage, but rather for enhancing the resistivity of the ZnO layer, the Examiner stated that this argument appears to suggest that there should be a specific and exact teaching in the prior art of the correlation between concentrations of intentionally added dopants and a threshold voltage even when the threshold voltage depends on a lot of other device parameters and that the concentrations of intentionally added dopants are the only parameters that would determine the recited threshold voltage, whereas specific ranges for the concentrations of the intentionally added dopants have not been claimed. The Examiner stated that "Applicants cannot claim an intention to achieve a desired threshold voltage *only* by controlling the concentrations of intentionally added dopants without claiming other critical and essential parameters in the practices of the invention such as a channel layer thickness and a gate insulting layer thickness, etc.", emphasis added, see p. 15 of the Final Office Action of December 27, 2010.

The Examiner has not met his burden for providing a factual basis for his assertion that the cited prior art teaches intentionally adding nitrogen and hydrogen having concentrations so that the threshold voltage lies within the claimed range. The fact that other parameters may also affect the threshold voltage is irrelevant, since neither Wager nor Vijayakumar teaches explicitly or implicitly that added nitrogen or hydrogen should be added in concentrations so that the threshold voltage is controlled, let alone be within the claimed range of 0V to 3V.

Moreover, the Examiner stated that Wager was used to show that a threshold voltage is a critical device parameter of a transistor that should be controlled, not to incorporate the whole structure of Wager into the structure of Kawasaki, see Advisory Action of April 28, 2011.

Wager only teaches a range for the threshold voltage within 1V-20V for a device that differs fundamentally from the claimed device. Therefore, one of ordinary skill in the art cannot infer the claimed limitation which relates to a completely different device than that of Wager. The fact that the threshold voltage is a critical device parameter does not make it obvious that the range of the threshold voltage may be lowered to the claimed range for a device with a cover. As explained in the instant specification, the existence of a cover substantially affects the threshold voltage, and it was the inventors' discovery that found that the concentrations of nitrogen and hydrogen can be manipulated to achieve the desired effect.

Responding to Applicant's argument (see Reply of November 11, 2010, p. 4) that the cited prior art teachings would not have made it obvious to intentionally add nitrogen and hydrogen dopants with appropriate concentrations so that the threshold voltage is in the claimed range, the Examiner stated that 1) applicants acknowledge that Wager discloses a threshold value within the claimed range and 2) that controlling a threshold voltage of a field effect transistor is well known in the art, see p. 16 of the Final Office Action of December 27, 2010.

First, even though Wager may teach a range for the threshold voltage within 1V-20V, however, the device of Wager is different than the claimed device, since Wager's device lacks a protective layer. The threshold voltage of a TFT having a protective layer is a lot different from that of a TFT without a protective layer, see p. 4 of Applicant's Reply of November 11, 2010. It was the unexpected result of the inventors' work that showed that a TFT with a protective layer can have its threshold voltage within the practical range of 0V-3V, by controlling the concentrations of the nitrogen and hydrogen dopants. Even though, controlling the threshold voltage of a field effect transistor may be well known in the art, the correlation between the concentrations of the intentionally added nitrogen and hydrogen and the claimed range for the threshold voltage in the claimed device **with** a cover was not known.

In response to Applicant's argument (see Reply of November 11, 2010, p. 5) that the nitrogen and hydrogen have concentrations so that threshold voltage is in a practical range of 0V to 3V, which is away from the expected range of large negative values, around -30V, the Examiner stated that "it appears that Applicant's arguments may be true for certain device parameters such as dimensions of the field effect transistor or concentrations of intentionally added dopants, but may not be applied to in general with Wager providing a counterexample", see p. 17 of the Final Office Action.

Again, Wager's device lacks a protective cover, so it cannot be compared with the inventive device of claim 4. Moreover, the fact that the claimed range for the threshold may be

associated with certain device parameters does not negate the fact that the concentrations of the added nitrogen and hydrogen cause the voltage threshold to lie in the claimed range of 0V to 3V (which is not taught or suggested by the cited prior art).

Following the Examiner's suggestion, see bottom of p. 16 of the Final Office Action of December 27, 2010, Applicant filed a Rule 132 Declaration (by one of the inventors) with the Reply of April 15, 2011, that explains how the concentrations of the added nitrogen and hydrogen may be chosen so that the threshold voltage can be brought down to a more practical range even for a device which has a protective cover, thus providing evidence for unexpected results relative to prior art ranges.

However, the Examiner did not enter the Rule 132 Declaration because he alleged that "Applicants failed to provide a showing of good and sufficient reasons why the Declaration is necessary and was not earlier presented", see the Advisory Action of April 28, 2011.

Applicant disagrees with the above given reason because it was the Examiner who requested such a Declaration, "This argument is not convincing, because Applicants do not provide any evidence of unexpected results relative to prior art ranges", emphasis included, see bottom of p. 16 of the Final Office Action of December 27, 2010. In other words, Applicant presented this Declaration in response to the Examiner's inquiry, thus making such submission necessary for the advancement of the prosecution. Thus, it is respectfully submitted that the Examiner's position not to enter and consider the Rule 132 Declaration is untenable and should be reversed.

For at least the above reasons, claim 4 is allowable.

It is respectfully requested that the rejection of claims 5-34, each one dependent from claim 4, also be withdrawn.